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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
FISH, JAMIESON W	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/832,750	CHELEHMAL ET AL.	
	Examiner	Art Unit	
	Jamieson W. Fish	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-9 and 12-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-9, 12-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims **12-16** have been considered but are moot in view of the new ground(s) of rejection.

All other arguments are not persuasive as addressed in the advisory action.

Claim Rejections - 35 USC § 103

1. Claims **1,4,6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Norsworthy et al. in view of Ahmed et al (US 6,519,773).

2. Regarding claim **1,** Norsworthy teaches a method of using a managed network and a video cable system operated by a cable system provider to deliver video data on-demand from video servers operated by a content provider to a cable system user comprising: generating a request for a listing of video programs available from said video servers operated by said content provider, that are not part of said cable system operated by said cable system provider, said request being transmitted from a set top box operated by said cable system user, through a telecommunications network to an internet service provider, that is connected through a managed network to said content provider, without going through a head end of said video cable system (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44 A user sends an instruction to search (a request for a listing of content) to the ISP. The content includes video content provided by various internet and other sources (video severs operated by a content provider). The instruction are sent through telecommunications network connection 102 without going through head end 108); providing: said listing of said video programs that is available

from said content provider to said cable system user, said listing being transmitted from said content provider through said managed network, said internet service provider and telecommunications network to said cable system user without going through said head end (See Fig. 1 Col. 1 lines 25-33 Col. 4 lines 39-67, Col. 5 lines 1-44 Providing search results (listing of video programs available) would be included in the search process involving a search engine); generating a request for said video data from said listing of video programs using said set top box, said request being transmitted from said set top box through telecommunications link to said internet service provider and said managed network without going through said head end (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44 Request is transmitted through telecommunications network connection 102 without going through head end 108); using a first transport mechanism that is compatible with said managed network to transmit said video data from said video servers through said managed network with a guaranteed quality of service that is sufficient to view said video data without storing said video data at said head end, said video data being transmitted to a cable system provider in response to a said request by said cable system user of said video data (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44, Col. 7 lines 50-67, Col. 8 lines 1-18 The ISP sends content to head end through high bandwidth connection 109); converting said first transport mechanism to a second transport mechanism that is compatible with said video cable system at said head end (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44, Col. 7 lines 18-67, Col. 8 lines 1-18 The head end receives data from the ISP through a high bandwidth link and transmits it to the tuner of the PC through a television channel); transmitting said video data from said

head end to said user through said video cable system using said second transport mechanism that is compatible with said set top box (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44, Col. 7 lines 18-67, Col. 8 lines 1-18 The data is transmitted from the head end to the tuner of the PC). Norsworthy's system differs from the claimed invention in that the modem of Norsworthy's system communicates with the ISP through a telecommunication service that is not necessarily a cable system (See Col. 4 lines 44-49). In a similar endeavor, Ahmed teaches a configuration where a modem communicates with an external data network through a cable system without the information going through the head end (See Fig. 1B Col. 4 lines 40-67, Col. 5 lines 1-67 Col. 6 lines 1-53 Information from an external source such as the internet can be added POPS 122). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Norsworthy's system so that the telecommunication network was a cable systems as taught by Ahmed to allow interactive information requests to be satisfied at a faster rate (See Norsworthy Col. 4 lines 4-7).

3. Regarding claim **4,** Norsworthy modified with Ahmed teaches the method further comprising generating a confirmation signal and decoding information that is transmitted from said content provider to said cable system user through said managed network and said internet service provider to said cable system (See Norsworthy Col. 3 lines 46-62, Col. 5 lines 10-17).

4. Regarding claim **6**, Norsworthy modified with Ahmed teaches wherein converting said first transport mechanism to a second transport mechanism comprises: converting

an IP transport mechanism to an MPEG transport mechanism (See Norsworthy Col. 1 lines 33-43, Col. 5 lines 4-22, 53-59).

5. Claim **5, 7-9** rejected under 35 U.S.C. 103(a) as being unpatentable over Norsworthy in view of Ahmed and in further view of Mimura (US 6,785,733).

6. Regarding claim **5**, Norsworthy modified with Ahmed fails to disclose wherein said act of using a first transport mechanism to transmit said video data through said managed network to a cable system provider further comprises: using real time protocol as a transport mechanism in an IP managed network to transmit said video data through said IP managed network. However, using real time protocol as a transport mechanism in an IP managed network is well known in the art as taught by Mimura (See Col. 2 lines 33-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Norsworthy so that Norsworthy used real time protocol as a transport mechanism in the IP managed network to transmit video data as taught by Mimura to prevent the degradation of resolution from being caused by transmission delay (See Mimura Col. 2 lines 33-51).

7. Regarding claim **7**, Norsworthy modified with Ahmed further modified with Mimura teaches wherein converting said first transport mechanism to a second transport mechanism comprises: converting an IP transport mechanism to an MPEG transport mechanism (See Mimura Col. 11 lines 19-44).

8. Regarding claim **8**, Norsworthy modified with Ahmed further modified with Mimura teaches wherein converting said IP transport mechanism to an MPEG transport mechanism further comprises: separating timing data contained in said real time

protocol from content data (See Mimura Col. 11 lines 19-44); converting said timing data to adaptation information (See Mimura Col. 11 lines 19-44); placing said adaptation information in adaptation fields of said MPEG transport mechanism (See Mimura Col. 11 lines 19-44); combining said adaptation fields with corresponding content data (See Mimura Fig. 11 Col. 11 lines 19-44).

Regarding claim **9**, Norsworthy modified with Ahmed further modified with Mimura teaches: multiplexing said adaptation fields and said content data onto said MPEG transport to generate an MPEG transport data stream (See Mimura Fig. 11 Col. 11 lines 19-44); digitally modulating said MPEG transport data stream to create a digitally modulated MPEG transport data stream (See Mimura Col. 13 lines 35-63); up-converting said digitally modulated MPEG transport data stream to a selected frequency channel for transmission on said cable system (See Mimura Col. 13 lines 35-63).

Claims **12-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Norsworthy in view of Mimura.

9. Regarding claim **12,** Norsworthy teaches a system for delivering video data on-demand from a content provider to a cable system user coupled to a video cable system comprising: a content server that is not located at a head end of said video cable systems, and is not operated by a video cable system provider, that provides a listing of video data available from said content provider and that provides said video data that is delivered to said head end upon receiving a request (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44 A user sends an instruction to search (a request for a listing of content) to the ISP. The content includes video content provided by various internet and other

sources (video severs operated by a content provider). The instructions are sent through telecommunications network connection 102 without going through head end 108. Upon requesting a video the video is delivered to the head end via high bandwidth link 109); a managed network coupled to said content server that is capable of transmitting said video data from said content server to said head end using a first transport mechanism upon receiving a request from said cable system user that is transmitted to said managed network without going through said head end, said video data being transmitted by a plurality of first transport data streams that provide a guaranteed quality of service that is sufficient to view said video data without storing said video data at said head end (See Fig. 1 Col. 4 lines 38-67, Col. 5 lines 1-59, Col. 7 lines 50-67, Col. 8 lines 1-18). Norworthy teaches that the head end receives data from the ISP through a high bandwidth link and transmits it to the tuner of the PC through a television channel. It is not explicitly stated that the head end comprises a translator (See Fig. 1 Col. 4 lines 39-67, Col. 5 lines 1-44, Col. 7 lines 18-67, Col. 8 lines 1-18). since the head receives data in one transport form and sends it out in another form. Mimura teaches a translator that translates a first transport data streams to a plurality of second transport data streams on a second transport mechanism that is compatible a cable system (See Col. 16 lines 13-42, IP/PID Conversion equipment 302). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Norsworthy so that headend included a translator as taught by Mimura, since the head receives data in one transport form and sends it out in another form one would have been motivated to have a translator perform this conversion.

10. Regarding claim **13**, Norsworthy in view of Mimura teaches wherein said first transport mechanism is an IP transport mechanism and said second transport mechanism is an MPEG transport mechanism (See Norsworthy Col. 1 lines 33-43, Col. 5 lines 4-22, 53-59).

11. Regarding claim **14**, Norsworthy in view of Mimura teaches teaches the system further comprising: a multiplexer that multiplexes said second transport data streams onto said second transport mechanism (See Norsworthy Col. 2 lines 51-67 Col. 3 lines 1-18).

12. Regarding claim **15,** Norsworthy in view of Mimura teaches teaches the system further comprising: a digital modulator that digitally modulates said second transport data streams, that have been multiplexed onto said second transport mechanism, onto an rf carrier signal (See Norsworthy Col. 5 lines 4-59 A digital modulator is inherent).

13. Regarding claim **16**, Norsworthy in view of Mimura teaches teaches the system further comprising: an upconverter that upconverts said rf carrier signal that has been digitally modulated to a predetermined frequency channel or said cable system (See Norsworthy Col. 5 lines 4-59 The data is received from specific channel, thus an up converter is inherent).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 1-09-2006

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